

**SERIAL NO. 10/643,006**

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

|                   |                            |                 |            |
|-------------------|----------------------------|-----------------|------------|
| Applicant:        | LOVETT et al.              | Examiner:       | Nguyen, H. |
| Serial No.:       | 10/643,006                 | Group Art Unit: | 3736       |
| Filed:            | August 18, 2003            | Docket No.:     | GUID.060PA |
| Confirmation No.: | 2975                       | Customer No.:   | 51294      |
| Title:            | SLEEP STATE CLASSIFICATION |                 |            |

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this paper is being electronically transmitted by EFS-WEB to the United States Patent and Trademark Office on February 4, 2010.

By: /Rennae Johnson/  
Rennae Johnson

**AMENDMENT & RESPONSE UNDER 37 C.F.R. §1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed December 4, 2009, setting a three (3) month shortened statutory period for response, the Applicant submits the present amendment and response under 37 C.F.R. §1.116.

Claims 86-123 remain pending in the application. No claims have been amended. No claims have been added or canceled. The Applicant respectfully requests reconsideration and allowance of all pending claims.

**AMENDMENTS TO THE CLAIMS** are reflected in the listing of claims which begins on page 2 of this paper.

**REMARKS/ARGUMENTS** begin on page 8 of this paper.